

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Clifford Tucker	Team: Team # 6	CCRB Case #: 200817498	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 12/04/2008 3:00 AM	Location of Incident: Avenue R and Nostrand Avenue	Precinct: 61	18 Mo. SOL 6/4/2010	EO SOL 6/4/2010	
Date/Time CV Reported Thu, 12/04/2008 10:39 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 12/04/2008 10:39 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Timothy Brovakos	17292	943025	061 PCT
2. POM Nikolaos Stefopoulos	17460	944294	061 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Anthony Valluzzi	13865	935899	061 PCT
2. POM Frantzy Pierrelouis	16204	942358	061 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Nikolaos Stefopoulos	Abuse: PO Nikolaos Stefopoulos frisked § 87(2)(b)	
B.POM Nikolaos Stefopoulos	Abuse: PO Nikolaos Stefopoulos searched § 87(2)(b)	
C.POM Timothy Brovakos	Abuse: PO Timothy Brovakos frisked § 87(2)(b)	
D.POM Timothy Brovakos	Abuse: PO Timothy Brovakos searched § 87(2)(b)	
E.POM Nikolaos Stefopoulos	Abuse: PO Nikolaos Stefopoulos searched the car in which § 87(2)(b) was an occupant.	
F.POM Nikolaos Stefopoulos	Abuse: PO Nikolaos Stefopoulos threatened to arrest § 87(2)(b)	

Synopsis

§ 87(2)(b) filed the following complaint via telephone with the CCRB on December 4, 2008 (Encl. 4A-B).

On December 4, 2008 at approximately 3:00am § 87(2)(b) was driving his car on Avenue R and Nostrand Avenue in Brooklyn when PO Timothy Bravakos and PO Nikolaos Stefopoulos of the 61st Precinct pulled him over for allegedly playing excessively loud music. PO Stefopoulos ordered § 87(2)(b) out of the car at which point he allegedly performed a frisk and search of § 87(2)(b) (Allegations A and B). PO Stefopoulos recovered a gravity knife from § 87(2)(b)'s pocket. Then PO Bravakos allegedly frisked and searched § 87(2)(b) (Allegations C and D) while PO Stefopoulos allegedly searched § 87(2)(b)'s car (Allegation E). PO Stefopoulos discovered a bag of prescription medication in an unmarked sandwich bag in § 87(2)(b)'s car. When § 87(2)(b) said, "You're illegally searching my car" PO Stefopoulos allegedly said to him that if he does not be quiet he will be arrested and his car will be towed (Allegation F). PO Anthony Valluzzi and PO Frantzy Pierrelouis of the 61st Precinct drove past the incident at one point and stayed in the area for a few minutes before leaving. PO Stefopoulos determined that § 87(2)(b) was not going to use the knife in a violent way and confirmed that the pills were not an abused substance and were used for § 87(2)(b)'s medical condition. § 87(2)(b) was released after PO Stefopoulos issued him a summons for § 87(2)(b).

§ 87(2)(g)

Summary of Complaint

§ 87(2)(b) provided an initial narrative when he filed his complaint over the phone with the CCRB on December 4, 2008 (Encl. 4A-B). He provided two phone statements on December 9, 2008 and January 12, 2009 (Encl. 5A-B). He provided an official statement at the CCRB on December 15, 2008 (Encl. 6A-E). He provided another phone statement on April 3, 2009 and one on April 6, 2009 (Encl. 5C). His statements were largely consistent. Any inconsistencies are noted below.

§ 87(2)(b) drives a 2008 white Mercury Milan. On December 4, 2008 at approximately 3:00am, RMP 2042 stopped § 87(2)(b) in the vicinity of Avenue R and Nostrand Avenue in Brooklyn after following him for about one block. § 87(2)(b) identified the car number in his CCRB interview. § 87(2)(b) initially did not know why he was stopped because his music was not loud. He said that the first instant he saw the officers he "knew" they would pull him over because he's black and he gets stopped a lot. He had the windows rolled up, the volume was half-way turned up and the station was 10-10 WINS. When he was pulled over, § 87(2)(b) kept his hands on the steering wheel and rolled down his windows. He made sure he did not do anything suspicious.

PO Stefopoulos approached the driver's side window and said § 87(2)(b) was playing his music loud. § 87(2)(b) described PO Stefopoulos as white, male, in uniform, about 5'11", 150 lbs, medium build, dark hair, late 20's. § 87(2)(b) was able to identify PO Stefopoulos because at the conclusion of the incident, PO Stefopoulos identified himself to § 87(2)(b) as the officer who issued the summonses. Then § 87(2)(b) said no, but was interrupted by PO Stefopoulos who told him to step out of the car. § 87(2)(b) felt that the officers' intentions were to search the car. § 87(2)(b) got out and was put against the car. PO Stefopoulos asked § 87(2)(b) continually if he had any weapons on him, a knife, or anything he should know about. In his CCRB interview, § 87(2)(b) testified that he said no after each question. In his initial complaint narrative, § 87(2)(b) said he was carrying a knife in response to these questions. First, PO Stefopoulos squeezed each pocket and frisked them. PO Stefopoulos felt § 87(2)(b)'s wallet and asked

what it was. § 87(2)(b) said a wallet and PO Stefopoulos told § 87(2)(b) to take out his license. PO Stefopoulos asked “What’s this?” as he was feeling the knife in the front right pocket. § 87(2)(b) added in his phone statement on April 3, 2009 that PO Stefopoulos squeezed § 87(2)(b)’s pocket and discovered the knife first then removed it, but PO Stefopoulos continued to frisk § 87(2)(b) after that. § 87(2)(b) said it described the knife as similar to one that he had clipped on his belt at the CCRB during this interview, but smaller and under 4 inches. In his interview, § 87(2)(b) demonstrated that his knife contains a single blade that opens and closes, but did not conduct a flick-of-the-wrist test. The knife discovered during this incident was broken and he had since thrown it away, but § 87(2)(b) provided the serial number during his phone statement on April 6, 2009. It was not broken as a result of this incident. PO Stefopoulos also found a flashlight from § 87(2)(b)’s vest pockets. PO Stefopoulos took § 87(2)(b)’s driver’s license and a pocket knife.

§ 87(2)(b) described PO Bravakos as about 5’10” or shorter, male, white, in uniform, about 150 lbs with a medium to small build, short dark hair, early to mid 20’s. This officer was identified by the investigation as PO Timothy Bravakos. § 87(2)(b) PO Stefopoulos asked § 87(2)(b) if there was anything in the car he should know about. § 87(2)(b) said no. Then PO Stefopoulos searched the car as PO Bravakos frisked § 87(2)(b) in the same way that PO Stefopoulos did. If he felt something in the pocket, he removed it and examined it. § 87(2)(b) added in his phone statement on April 3, 2009 that PO Bravakos even reached into pockets that contained nothing. § 87(2)(b) makes it a habit of concealing everything in the car since he has had people break his windows to steal things. PO Stefopoulos looked deep under the seats, in the back and in the glove compartment. § 87(2)(b) told PO Stefopoulos and PO Bravakos that PO Stefopoulos was illegally searching his car. PO Stefopoulos replied, “Well, I can search your car and if you don’t be quiet, I’m going to tow it, tag it then I’m going to arrest you.” Upon additional clarification the officer said they can arrest him and voucher the car. § 87(2)(b) asked for what and PO Stefopoulos replied, for the pocket knife. § 87(2)(b) said it is a legal knife then § 87(2)(b) said nothing else because he feared for his safety since he was alone at night. The trunk was not searched.

§ 87(2)(b) carries in his car a Tupperware box with a bag of about fifty pills of Asocol medication for his ulcer condition. At the time, the pills were in the box and bag within the closed center console of § 87(2)(b)’s car. § 87(2)(b) takes 4 pills 3 times per day. The pills say “Asocol” on them and are about the size of a staple. PO Stefopoulos took them out of the car. § 87(2)(b) was not sure when PO Stefopoulos found the medicine, but after it was revealed the officer did not search the car anymore. PO Stefopoulos asked if it was drugs and if § 87(2)(b) uses drugs. § 87(2)(b) explained to PO Stefopoulos that the pills are medication for his medical condition. Then PO Stefopoulos opened the medicine and put his hand on it.

Another RMP arrived to the scene while § 87(2)(b) was at the rear of the car and PO Stefopoulos was searching the vehicle. The RMP was at the scene for about 10 minutes and saw most of the car search. The officers inside that RMP looked at § 87(2)(b) and § 87(2)(b) said, “They’re illegally searching my car.” The officers in that RMP turned off their light, which made it more difficult for § 87(2)(b) to see them, but one was black and the other was white. Both were big, male and uniformed. They had short hair. These officers were identified by the investigation as PO Pierrelouis and PO Valluzzi. Then PO Pierrelouis and PO Valluzzi left the scene. PO Stefopoulos and PO Bravakos had no interaction with the officers in the other RMP. PO Stefopoulos went back to his car and returned with his radio and asked a female voice on the phone to run § 87(2)(b)’s name and address. The voice on the radio said § 87(2)(b) has no warrants.

PO Stefopoulos told § 87(2)(b) to sit in his car, which he did. PO Stefopoulos still had § 87(2)(b)’s wallet and keys. § 87(2)(b) could not see what PO Stefopoulos was doing because his car’s lights were on at the time. Then an unmarked car pulled up to the scene. § 87(2)(b) could not see the unmarked car clearly because they parked with their headlights facing him. He thinks it is an older model, darkly colored or gray Chevrolet Capris. PO3 exited the unmarked car and stood near § 87(2)(b)’s driver’s side car. PO3 said, “How are you doing tonight?” § 87(2)(b) said he was fine, but his car was illegally searched. PO3 told § 87(2)(b) to take it easy and relax then went to PO Stefopoulos and PO Bravakos. They were holding § 87(2)(b)’s medicine up to a light and had some kind of kit. Then the officers from the unmarked car left the scene.

PO Stefopoulos gave back the medicine to § 87(2)(b) who asked PO Stefopoulos if they tested the medicine. PO Stefopoulos said yes. At first, § 87(2)(b) said he asked PO Stefopoulos about three times throughout the incident for his name and badge number. Upon further questioning, he asked PO

Stefopoulos for his name and shield number once. PO Stefopoulos said that he would give it to § 87(2)(b) at the end of the incident and told him it would be on the summons. PO Stefopoulos went back to his RMP then returned to § 87(2)(b) and issued him a summons, § 87(2)(b) for § 87(2)(b) and gave him back the knife. Then the officers left. § 87(2)(b) denied that the knife was a gravity knife.

During his CCRB interview, § 87(2)(b) had a large knife clipped to his belt. He said he is stopped a lot and thinks it is because he is black.

Results of Investigation

Civilian Statement: Kerry, ID number 73916

The investigator called Ace Hardware on April 6, 2009 in order to check whether § 87(2)(b)'s knife is a gravity knife (Encl. 7A). § 87(2)(b) provided the serial number 15-327B regarding the knife that was found at the incident. § 87(2)(b) is an Ace Hardware customer care representative who is not warranted to give her last name, but did provide a personal ID number. She provided the following phone statement.

The knife, serial number 15-327B can be flicked open with the wrist, but is not meant to be because there is resistance built into the blade's opening mechanism. She stated that one would need to flick it rather hard to extend the blade with that method. Furthermore, the knife is not spring loaded and is meant to be opened using the thumb.

Identification of Officers Interviewed

PO Stefopoulos' name and tax number appear on summons number § 87(2)(b) that he issued to § 87(2)(b) for § 87(2)(b) on December 4, 2008 at 3:45am (Encl. 12A). PO Bravakos was assigned to the same RMP as PO Stefopoulos, according to the 61st Precinct roll call for December 4, 2008 tour 1 (Encl. 20A-G). PO Valluzzi and PO Pierrelouis is the only pair of officers assigned to an RMP working in the 61st Precinct, tour 1 on December 4, 2008 one of whom is white and the other black (Encl. 20A-G, 13A, 16A). As such, these four officers were interviewed by the CCRB.

Officer Statement: PO Nikolaos Stefopoulos

On December 4, 2008, PO Stefopoulos issued § 87(2)(b) summons number § 87(2)(b) on which he recorded "§ 87(2)(b)." PO Stefopoulos made the following statement at the CCRB on March 12, 2009. He is a white male, § 87(2)(b) old, 5'9", 215lbs with black hair and brown eyes (Encl. 11A-B).

On December 4, 2008, PO Stefopoulos worked in uniform on patrol with PO Bravakos from 11:15pm to 7:50am. He was assigned to a marked RMP, but could not recall the number. He did not have his memo book at the time of the interview. Subsequent review of his memo book shows that he did not record any entries regarding this incident (Encl. 11A-B).

PO Stefopoulos and PO Bravakos pulled § 87(2)(b) over at approximately 3:00am in the vicinity of Avenue R and Nostrand Avenue in Brooklyn for playing loud Music. PO Stefopoulos approached the driver's side and PO Bravakos approached the passenger's side of § 87(2)(b)'s vehicle. PO Stefopoulos asked § 87(2)(b) for his license and registration. When § 87(2)(b) reached for his license and registration to give to PO Stefopoulos, thus leaning to his right as he reached into his left back pocket, PO Stefopoulos observed a knife clipped to § 87(2)(b)'s pants pocket. PO Stefopoulos asked § 87(2)(b) to step out of the car. PO Stefopoulos took the knife off § 87(2)(b)'s pocket and then asked if he had anything else sharp on him or any other weapons. § 87(2)(b) said he did not. PO Stefopoulos did not perform an additional frisk. He did not search § 87(2)(b)'s pockets. When he was exiting the car, the dome light turned on at which point PO Stefopoulos saw a bag of about 50 pills on the center console in an opening of some kind, either an ash tray or cup holder, in a zip lock bag. PO Stefopoulos asked what the pills were for and § 87(2)(b) replied that it was his business. PO Stefopoulos asked if he has the prescription, since they appeared to be a prescription medication. § 87(2)(b) said he does, but not with him.

PO Stefopoulos directed § 87(2)(b) to the rear of the vehicle with PO Bravakos and PO Stefopoulos entered the car to retrieve the pills. He did not search anywhere else in the car. He did not overhear any conversation § 87(2)(b) may have had with PO Bravakos. PO Bravakos did not touch § 87(2)(b) and did not search or frisk him. PO Stefopoulos then asked § 87(2)(b) for his license, registration and insurance at this time because earlier PO Stefopoulos wanted to remove the knife first. When § 87(2)(b) provided the documents, PO Stefopoulos went to the RMP at which time an unmarked vehicle, black in color, arrived and the officers inside asked if they were alright. PO Stefopoulos asked the officers in that car to help identify the pills. He could not identify these officers for the record. The officers in the

unmarked car had a pill book (a book carried by some officers which is used to identify pills) and they identified the pills to be prescription medication for a rectal disorder. PO Stefopoulos explained that often times when a car stop is conducted on the midnight tour they put it over the radio so that other RMP's or unmarked police cars can drive by for safety because it is a dangerous hour. He described § 87(2)(b)'s demeanor throughout the incident as cooperative.

After confirming that the pills were not an abused drug, PO Stefopoulos returned to § 87(2)(b) and asked what he does for a living and if he had been arrested before. In the meantime, PO Stefopoulos also had conducted a client identification check from § 87(2)(b)'s driver's license number. He was not wanted and did not have a parole file. § 87(2)(b) said he worked for § 87(2)(b) and said he was arrested once for a domestic case and had no previous violent arrests. PO Stefopoulos decided that § 87(2)(b) was not going to use the knife in a violent way. PO Stefopoulos explained to § 87(2)(b) that the knife is a gravity knife with a blade longer than 4 inches. PO Stefopoulos conducted a "flick of the wrist" test wherein one uses centrifugal force to extend the blade to determine that the knife was a gravity knife. PO Stefopoulos said § 87(2)(b) could not carry the knife with him and should carry a prescription with him. PO Stefopoulos did not threaten to tow § 87(2)(b)'s car and did not say he would arrest § 87(2)(b) but did say the knife is illegal to carry. § 87(2)(b) asked for PO Stefopoulos' name and shield number once at the conclusion of the stop at which time PO Stefopoulos explained that all that information was on the bottom of the summons and showed him the portion where his name and tax number were written. He did not recall that § 87(2)(b) asked for his name and shield number at any other time. He did not recall if § 87(2)(b) asked PO Bravakos for his name and shield number.

Then PO Stefopoulos issued § 87(2)(b) a summons for § 87(2)(b) and showed him courtesy in not arresting him for possessing an illegal knife. PO Stefopoulos explained that he could have arrested § 87(2)(b) and conducted an inventory search at the precinct, which is why he did not search anywhere else in the car.

Officer Statement: PO Timothy Bravakos

PO Bravakos provided the following statement at the CCRB on February 23, 2009. He is a white male, § 87(2)(b) old, 5'10", 200 lbs with brown hair and blue eyes (Encl. 9A-B).

On December 4, 2008, PO Bravakos worked with PO Stefopoulos from 12:00am to 8:00am as patrol in uniform. They were assigned to a marked RMP. PO Bravakos did not have the RMP number. PO Bravakos was the recorder. He did not have his memo book at the time of his interview at the CCRB. Subsequent review of his memo book entries for December 4, 2008 shows that he recorded no entries regarding this incident (Encl. 8A-B).

PO Bravakos' statement was consistent with PO Stefopoulos' with the following exceptions. He did not see the knife on § 87(2)(b)'s pocket and learned of it after PO Stefopoulos removed it. He also did not see the pills in § 87(2)(b)'s car, but learned of those when PO Stefopoulos told him about it before PO Stefopoulos retrieved the pills. PO Bravakos did not see PO Stefopoulos search anywhere else in the car. PO Bravakos denied that he performed or observed a frisk or search of § 87(2)(b). PO Stefopoulos did not threaten to arrest § 87(2)(b) and § 87(2)(b) did not ask for PO Stefopoulos' badge number and name.

Officer Statement: PO Anthony Valluzzi

PO Valluzzi stated the following at the CCRB on March 19, 2009. He is a white male, § 87(2)(b) old, 6'2", 212 lbs with no hair and brown eyes (Encl. 13A, 15A-B).

On December 4, 2008, PO Valluzzi worked from 11:35pm, to 7:50am. He was assigned to patrol sectors HIK with PO Pierrelouis in uniform working in RMP 1357. He did not have any memo book entries regarding the incident (Encl. 14A-B).

At approximately 3:00am on Nostrand Avenue, PO Valluzzi saw PO Bravakos and PO Stefopoulos conducting a car stop. Their RMP lights were flashing. PO Valluzzi parked his vehicle behind their RMP. It was not a busy night. PO Stefopoulos, PO Bravakos and § 87(2)(b) were standing behind § 87(2)(b)'s car. They appeared to be talking, but PO Valluzzi could not hear what they were saying. § 87(2)(b) did not seem happy that he was pulled over. PO Valluzzi did not recall exactly what gave him the impression that § 87(2)(b) was upset. PO Valluzzi stayed in his car. PO Stefopoulos approached PO Valluzzi at which point PO Valluzzi asked if everything was ok. PO Stefopoulos said they pulled § 87(2)(b) over for loud music and that he had a knife on him. PO Stefopoulos might also have said he would give § 87(2)(b) a summons. PO Valluzzi did not speak with PO Bravakos or § 87(2)(b). PO Valluzzi did not see the knife. PO Valluzzi did not hear or know where they found the knife.

PO Valluzzi does not think that PO Pierrelouis talked to any other officers. PO Valluzzi did not see the officers frisk or search § 87(2)(b). He did not see the officers enter § 87(2)(b)'s car and did not recall if the car doors were open or closed at the time. He did not see any other weapons or drugs on the scene. He did not recall hearing § 87(2)(b) say, "They're illegally searching me" or "they're illegally searching my car." He did not see any officers in an unmarked police car approach. PO Valluzzi and PO Pierrelouis remained in their RMP and stayed at the scene for a few more minutes to confirm that the situation was under control before they drove away. PO Valluzzi said that a regular officer assigned to patrol probably would not carry a pill book and he was not carrying one at the time. PO Valluzzi estimated that he was on the scene for two to three minutes.

PO Valluzzi was notified about the complaint about a week before his CCRB interview. He discussed it with his ICO. He told PO Bravakos and PO Stefopoulos that they were subjects in the complaint and told them what he saw of the incident. PO Stefopoulos asked if he recalls seeing the knife and PO Valluzzi said he did not see the knife. PO Stefopoulos did not say anything else.

Officer Statement: PO Frantzy Pierrelouis

PO Pierrelouis provided the following statement at the CCRB on March 31, 2009. He is a black male, § 87(2)(b) old, 5'9", 170 lbs with black hair and brown eyes (Encl. 16A, 18A-B).

On December 4, 2008, PO Pierrelouis worked from 12:00am to 8:00am. He was assigned to patrol with PO Valluzzi in a marked RMP, the number of which he did not record in his memo book nor did he recall. He had no entries in his memo book regarding this incident.

PO Pierrelouis' statement was consistent with that provided by PO Valluzzi.

Police Documents

There is no Sprint print-out for this incident. The December 4, 2008 tour 1 roll call for the 61st Precinct shows that PO Bravakos and PO Stefopoulos were both assigned to RMP 2046 and PO'S Valluzzi and Pierrelouis were assigned to RMP 1357 (Encl. 20A-G). PO Stefopoulos issued § 87(2)(b) a summons for § 87(2)(b), number § 87(2)(b) (Encl. 12A). § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Criminal Conviction History

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian CCRB History

§ 87(2)(b) has not filed any other complaints with the CCRB. § 87(2)(b)

Subject Officer CCRB History

At the time of this report, PO Stefopoulos was working for the NYPD for one year. He had no substantiated CCRB complaints against him. PO Bravakos has worked for the NYPD for two years. He has no substantiated CCRB complaints against him or this incident (Encl. 2A-B).

Notice of Claim

Pursuant to a Freedom of Information Law request, a diligent search was conducted on April 6, 2009 of the Comptroller's Bureau of Law and Adjustment that yielded no results for any prior Notice of Claim pertaining to § 87(2)(b) or this incident (Encl. 22A).

Conclusions and Recommendations

Officer Identification

§ 87(2)(b) identified PO Stefopoulos by appearance and by his name, which PO Stefopoulos indicated was written on the summons he issued to § 87(2)(b). § 87(2)(b) identified PO Bravakos by the first letter of his name and by appearance. § 87(2)(b) alleged that PO Stefopoulos frisked him and searched him initially then PO Bravakos allegedly frisked and searched him. § 87(2)(g)

§ 87(2)(g)

Then, § 87(2)(b) alleges, PO Stefopoulos searched his car. § 87(2)(g)
§ 87(2)(b) alleged that PO Stefopoulos exited the car at one point
and told § 87(2)(b) that if he does not stay quiet he will be arrested. § 87(2)(g)

Undisputed Facts

§ 87(2)(b) was stopped while driving at approximately 3:00am on December 4, 2008 in the vicinity of Nostrand Avenue and Avenue R by PO Stefopoulos and PO Bravakos. PO Stefopoulos discovered a knife on § 87(2)(b)'s person and found a bag of approximately 50 pills in the car and entered the car to retrieve it. One other marked RMP and an unmarked police car stopped at the scene for a period of time. PO Stefopoulos issued § 87(2)(b) a summons for § 87(2)(b) and then was released.

Disputed Facts

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Assessment of Evidence

§ 87(2)(b) alleges that PO Stefopoulos immediately asked him to step out of the car at which point PO Stefopoulos felt the knife in § 87(2)(b)'s pocket and removed it then continued to frisk and search him. PO Stefopoulos denied that he frisked or search § 87(2)(b) and testified that he saw a knife clipped to § 87(2)(b)'s pocket, so asked him to step out of the car then took the knife off § 87(2)(b)'s pocket, but did not frisk or search him further. § 87(2)(g)

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

The only people who can testify as to where the Asocol medication was located are § 87(2)(b) and PO Stefopoulos. PO Bravakos did not see where the medication was located as he was on the other side of the car, going to the rear with § 87(2)(b) as PO Stefopoulos entered the car to retrieve it. § 87(2)(g)

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

PO Bravakos denied frisking and searching § 87(2)(b) § 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

§ 87(2)(g)

Allegations Not Pleaded

§ 87(2)(g)

A refusal to provide name and shield number will not be pleaded against PO Stefopoulos because PO Stefopoulos provided the information to § 87(2)(b) at the conclusion of the stop.

§ 87(2)(g)

Allegation A) PO Nikolaos Stefopoulos frisked § 87(2)(b)

§ 87(2)(g)

Allegation B) PO Nikolaos Stefopoulos searched § 87(2)(b)

§ 87(2)(g)

§ 87(2)(b) Barry Kamins' *New York Search and Seizure* which states, "Under certain unusual circumstances, a police officer can forgo a frisk of the outer clothing and conduct an immediate search of a specific location of the suspect's person. This exception to the frisk rule applies only when the officer has some information as to the precise location of a weapon...This type of protective action is justified because the officer is motivated by a fear for his safety, rather than a desire to recover or locate contraband or evidence" (Encl. 1A-B). § 87(2)(g)

Allegation C) PO Timothy Brovakos frisked § 87(2)(b)

Allegation D) PO Timothy Brovakos searched § 87(2)(b)

PO Stefopoulos told PO Bravakos that he discovered an illegal knife and a bag of pills in § 87(2)(b)'s possession just before PO Bravakos took over temporary custody of § 87(2)(b) § 87(2)(g). § 87(2)(g) Barry Kamins' *New York Search and Seizure* stipulates that, "Pursuant to the 'fellow officer' rule, the receiving officer is entitled to assume that the sending officer has probable cause and that such information is reliable and accurate" (Encl. 1D). § 87(2)(g)

Allegation E) PO Nikolaos Stefopoulos searched the car in which § 87(2)(b) was an occupant.

PO Stefopoulos discovered § 87(2)(g) knife on § 87(2)(b)'s person. He also observed a bag of about fifty pills of unknown medication in § 87(2)(b)'s car. The medication was not in a prescription bottle and § 87(2)(b) did not have a prescription with him. Kamins' states, "If an officer makes a valid investigatory stop of a vehicle and observes in plain view a quantity of drugs, a weapon or evidence of a crime, he would have probable cause to search the entire vehicle" (Encl. 1C). Kamins' further stipulates that the search is not dependant on the arrest, but on the circumstances that existed independent of the arrest. § 87(2)(g)

Allegation F) PO Nikolaos Stefopoulos threatened to arrest § 87(2)(b)

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Investigator:	Date:
Supervisor:	Date:
Reviewed by:	Date:
Reviewed by:	Date: